

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73521 of 2018**

Arising Out of PS. Case No.-1721 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Md. Gaffar Alam @ Gaffar Alam, Son of Md. Hadish, Resident of Village-
Basara, Police Station- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Musarrat Khatoon, Wife of Mf. Gaffar Alam, Daughter of Md. Mokhtar,
Resident of Village- Babhantoli, P.S.- Goraul, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 10-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant,
is apprehending his arrest in a complaint case wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Sections 498A/34, 323 of the
Indian Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case is that the complainant was
married with the petitioner on 17.10.2016 but there was a
further dowry demand of a motorcycle and due to non-
fulfillment of the same, torture was inflicted upon the
complainant by the husband and other in-law family members.



The accused persons subsequently pressurized the complainant for termination of the pregnancy and the termination of the foetus was forcibly done at the behest of the petitioner. On refusal the complainant was subjected to brutal assault but the complainant was not provided any medical assistance.

It appears that on the joint prayer of the parties vide order dated 15.01.2019, the matter was referred to the Mediation Centre of Patna High Court. The report of the Mediator dated 14.03.2019 kept at Flag 'Y' reflects that the issue has been reconciled and both sides have decided to resolve the issue by resumption of conjugal life.

It is submitted by learned counsel for the petitioner that the complainant is residing with the petitioner.

Though, learned counsel for the complainant is not present but since the memorandum of agreement through which the issue has been resolved between the parties before the Mediation, bears the signature of the complainant as well as the petitioner.

In the circumstances, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of



Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 1721 of 2017, corresponding to Trial No. 2994 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the order be transmitted to the learned Court below along with a copy of the report of the Mediator.

(Dinesh Kumar Singh, J)

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